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Attorneys for Plaintiff

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA**

THE FEDERAL DEPOSIT INSURANCE
CORPORATION, AS RECEIVER FOR
WESTSOUND BANK,

Plaintiff,

V.

DAVID K. JOHNSON, BRETT T.
GREEN, LOUIS J. WEIR, DEAN M.
REYNOLDS, RODNEY R. PARR,
LARRY C. WESTFALL, RICHARD N.
CHRISTOPHERSON, DONALD F. COX,
JR., JAMES H. LAMB, BRIAN B.
MCLELLAN, and DONALD H. TUCKER,

Defendants.

NO. 3:11-cv-05953-RBL

[PROPOSED]
ORDER GRANTING MOTION
OF WASHINGTON STATE
DEPARTMENT OF
FINANCIAL INSTITUTIONS
TO STRIKE HEARING



11-CV-05953-ORD

THIS MATTER coming on for hearing on the motion of State of Washington, Department of Financial Institutions, through its Director Scott Jarvis acting in his official capacity (“Department” or “WDFI”), to continue hearing, by and through its attorneys Robert M. McKenna, Attorney General, and Victor M. Minjares, Assistant Attorney General, and Walter E.

**ORDER GRANTING MOTION TO
STRIKE HEARING [PROPOSED]
NO. 3:11-cv-05953-RBL**

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ATTORNEY GENERAL OF WASHINGTON
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1 Barton and Kathleen M. Balderston, Attorneys for Plaintiff, and David K. Johnson, Brett T.
2 Green, Louis J. Weir, Dean M. Reynolds, Rodney R. Parr, Larry C. Westfall, Richard N.
3 Christopherson, Donald F. Cox, Jr., James H. Lamb, Brian B. McLellan, and Donald H. Tucker,
4 Defendants, and the court having heard argument, considered the records and files herein,
5 including:

6 1. The Declaration of Victor M. Minjares in Support of Department's Motion to
7 Continue Hearing.
8 2. The Declaration of Gloria McVey in Support of Department's Motion to Continue
9 Hearing.

10 and being fully advised, now, therefore FINDS that:

11 The Washington State Department of Financial Institutions was not a party to the
12 Confidentiality Agreement between plaintiffs and FDIC-R. The Department was not informed
13 that its confidential bank examination reports were to be disclosed, without notice to or the
14 consent of the Director, in violation of RCW 30.04.075. The Department was not served with
15 the Motion to Unseal. The Department has made a *prima facie* case that granting the Motion
16 to Unseal would adversely impact the Director's obligation to preserve bank examination
17 confidentiality under RCW 30.04.075, and that it should be allowed additional time to
18 consider intervention under Fed. R. Civ. P. 24(a)(2) or other resolution satisfying its interests
19 in protecting its Reports of Examination. This Court therefore finds good cause exists to grant
20 the requested relief.

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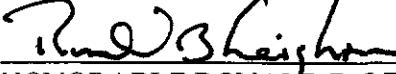
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1 IT IS HEREBY ORDERED that

2 1. The existing dates on Defendants' Motion to Unseal are stricken.
3 2. Defendants must serve the Department with their Motion to Unseal if they wish the
4 Motion to be heard. The new noting date shall be no earlier than June 15, 2012.

5 DATED this 24th day of May, 2012.

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7

8 HONORABLE RONALD B. LEIGHTON
Judge

9
10 Presented by:

11 ROBERT M. MCKENNA
Attorney General

12 s/Victor M. Minjares

13 VICTOR M. MINJARES, WSBA #33946
14 Assistant Attorney General
15 Attorneys for State of Washington
Department of Financial Institutions
Consumer Services Division